



GILARDI COOPER & LOMUPO
ATTORNEYS AT LAW

February 9, 2006

Gary W. Spring, Esquire
Roetzel Andress
222 South Main Street
Akron, OH 44308

Re: Local Union 459 v. Pennsylvania Electric Company
Civil Action No. 04-347E

Dear Mr. Spring:

I spoke with Attorney Tim Hayes today about the Employer's February 8 settlement offer with regard to the upcoming February 23 arbitration hearing. It does not appear that the parties will reach a settlement in this matter. Therefore, the testimony of the transcript of the federal court status conference regarding the union's suit to compel arbitration may have some significance in the upcoming arbitration proceeding. I have not, previous to this, taken a look at the transcript since, as I believed the parties would reach settlement in this matter, there was no need to consider "correcting" the transcript, as you have requested. In light of the parties' failure to reach settlement thus far, I have taken the time to look at the transcript and your comments about errors, at your request.

In my view, there is a big difference between an error in what the court reporter transcribes and what various speakers "meant to say." People do not speak perfectly. I cannot agree with you that we should change words in the transcript to conform to what speakers may have meant to say, particularly words spoken by Judge McLaughlin. These are, in my opinion, not court reporter transcription errors.

Sincerely,

Marianne Oliver

cc: Donald Hoak

ATTACHMENT A